

### **REMARKS/ARGUMENTS**

Claims 1, 8, and 15 have been amended without prejudice or disclaimer. Claims 1-8, 10, 12-13 and 15, 16 remain in the application. Reconsideration is respectfully requested.

#### **Rejection - 35 U.S.C. § 102:**

***Claims 8 is rejected under 35 U.S.C. § 102(b) as being anticipated by Wong et al (U.S. Patent 5,881,103).***

Claim 8 has been amended to emphasize that the accessory can be coupled to and optimized by a plurality of radios each having different optimization parameters from the accessory and each radio having different parameters from each other. Claim 8 has been further amended to recite that the content information includes variations in transmit audio parameters as a function of accessory microphone position. No new matter has been added, support for this amendments found on page 11, lines 5-9. Claim 8, as amended, is believed to be in condition for allowance.

#### **Rejection - 35 U.S.C. § 103:**

***Claims 1-8, 10, 12-13 and 15-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Curtiss et al (U.S. Pub. No. 2003/012562 in view of Voltz US Pat. No. 6,589,538).***

Applicants respectfully traverse in part and amend in part. As the Examiner noted in the Office Action dated May 5, 2005 on page 5, Curtiss fails to disclose an audio accessory that is controllerless. The Examiner then cites Voltz as teaching a controllerless audio accessory. However, Applicants assert that the combination of Voltz and Curtis fails to teach that which is claimed by applicant's invention, as amended. Curtis fails to teach any audio optimization. Voltz is directed to overcoming or reducing the effects of non-optimal speakers being paired with a computer – col. 1, lines 58-67. Voltz teaches optimization for speakers only – that is receive only parameters. The optimization of Voltz's speakers would not

optimize the Curtiss microphone. Applicants' claims, as amended, include microphone/transmit acoustic models /parameters for the accessory relative to position. The advantage provided by microphone acoustic model is that as the accessory is moved from its nominal position, the radio can optimize voice-pick up in varying situations as described on page 11, lines 8 and 9 of Applicants' specification. Voltz does not teach or suggest parameters relating to the position or placement of the speakers relative to the computer. The combination of Voltz and Curtiss taken individually or combined thus fail to teach or suggest that which is claimed in independent claims 1, 8 and 15, as amended.

Claims 1, 8 and 15, as amended, are believed to be in condition for allowance. Claims 2-4, 6-7, 10, 12, and 16 provide further limitations to what are believed to be allowable claims and hence are also in condition for allowance.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge Deposit Account 502117, Motorola, Inc, with any fees which may be required in the prosecution of this application.

Respectfully submitted,

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Motorola, Inc.  
8000 West Sunrise Boulevard  
Law Department – MD1610  
Plantation, Florida 33322  
Customer Number: 24273

By: /Barbara R. Doutre/  
Barbara R. Doutre  
Attorney of Record  
Reg. No.: 39,505  
Tel: 954-723-6449  
Fax: 954-723-3871  
E-Mail: [docketing.florida@motorola.com](mailto:docketing.florida@motorola.com)